

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.14397/2024

(@Petition for Special Leave to Appeal (C) No.27752/2024)

C RUDRAPPA & ORS.

Appellant(s)

VERSUS

S R LINGAREDDY

Respondent(s)

O R D E R

1. Leave granted.
2. Application for substitution is allowed.
3. Cause title be amended accordingly.
4. This appeal arises from the judgment and order passed by the High Court of Karnataka dated 19-7-2024 in Regular First Appeal No.193/2012, by which the First Appeal filed by the original defendants, i.e., the appellants before us came to be dismissed, thereby affirming the judgment and decree passed by the Trial Court granting relief of specific performance to the plaintiff, i.e., the respondent - herein.
5. We need not go into the facts of this litigation as we are in a position to dispose of this appeal by modifying the decree that came to be passed by the High Court, while disposing of the First Appeal filed by the appellants - herein.

6. The operative part of the order passed by the High Court reads thus:-

"(i) This appeal being devoid of merits, is liable to be and accordingly dismissed, costs having been made easy.

(ii) The Respondent-Plaintiff shall deposit a sum of Rs.1,00,00,000/- (Rupees one crore) only with the Registry of this Court within four months, if the appellants file an affidavit within two months to the effect that they would accept this offer and put a decent burial to the lis. If deposit is made, the same shall be invested by the Registry in interest earning Fixed Deposit of any Nationalized Bank subject to disposal of Partition Suit 0.5.No.804/2020 pending on the file of Sr. Civil Judge, Anekal.

(iii) Should the appellants fail to file the affidavit as indicated in the preceding paragraph, the Respondent-Plaintiff shall be relieved of the obligation to pay & deposit any money by way of solatium as indicated above and that our Decree in terms of this Judgement becomes executable at once.

(iv) Despite appellants filing the affidavit as indicated above, if the Respondent-Plaintiff fails to pay & deposit a sum of Rs.1,00,00,000/- (Rupees one crore) only, the appellants shall pay a sum of Rs.90,00,000/- (Rupees Ninety Lakh) only to the Respondent-Plaintiff by way of liquidated damages in terms of Endorsement dated 02.07.2002 EX.P2E with Simple Interest at the rate of 6% per annum reckoned from the same date within a period of three months, and if delay is brooked that interest rate would 12% per annum instead of 6%; if payment is so made, the impugned Judgement & Decree would stand accordingly modified and the requirement of Specific Performance would stand dissolved. Registry to draw Decree accordingly."

7. We take notice of the fact that the High Court has directed the plaintiff to pay a sum of Rs.1 Crore to the defendants and in the event of failure on the part of the plaintiff to pay a sum of Rs.1 Crore, then in such circumstances, the defendants have been directed to pay a sum of Rs.90,00,000/- to the original plaintiff by way of liquidated damages in terms of the endorsement dated

2-7-2002 (Exhibit 'P2E') with simple interest @ 6% per annum within a period of three months.

8. We have heard Mr. S.N. Bhat, the learned Senior counsel appearing for the appellants (original defendants) and Mr. Naveen Pahwa, the learned Senior counsel appearing for the respondent (original plaintiff).

9. We are not disturbing the judgment of the High Court in so far as it thought fit to dismiss the appeal filed by the defendants against the grant of specific performance by the Trial Court.

10. However, we enhance the amount to Rs.1 Crore as directed to be paid by the High Court to a sum of Rs.4 Crore.

11. In such circumstances, the respondent - herein (original plaintiff) shall now pay a sum of Rs.4 Crore within six weeks from today.

12. Once the amount of Rs.4 Crore is deposited by the respondent - herein (original plaintiff), the Trial Court shall disburse the said amount in favour of the appellants (original defendants) after proper identification and verification without waiting for the disposal of Partition Suit O.S. No.804 of 2020 pending on the file of Sr. Civil Judge, Anekal. The said suit shall be decided by the Civil Court on its own merits.

13. On deposit of this amount with the Trial Court, the appellants - herein (original defendants) shall execute the sale deed with respect to the suit property as directed by the Trial Court.

14. The appeal is disposed of in the afore-stated terms.

.....J
(J.B. PARDIWALA)

.....J
(MANMOHAN)

NEW DELHI
13TH DECEMBER, 2024.

ITEM NO.6

COURT NO.15

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.27752/2024

[Arising out of impugned final judgment and order dated 19-07-2024 in RFA No. 193/2012 passed by the High Court of Karnataka at Bengaluru]

C RUDRAPPA & ORS.

Petitioner(s)

VERSUS

S R LINGAREDDY

Respondent(s)

(FOR ADMISSION [TO BE TAKEN UP AS THE FIRST ITEM ON BOARD])

Date : 13-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s)

Mr. S N Bhat, Sr. Adv.
Mr. Nagaraja P, Adv.
Mr. Tarun Kumar Thakur, Adv.
Mrs. Parvati Bhat, Adv.
Mr. Abhay Choudhary M, Adv.
Mr. Vivek Ram R, Adv.
Ms. Anuradha Mutatkar, AOR

For Respondent(s)

Mr. Naveen Pahwa, Sr. Adv.
Mr. Shanthkumar V. Mahale, Sr. Adv.
Ms. Adviteeya, Adv.
Ms. Mrinal Pande, Adv.
Mr. Bayya Reddy, Adv.
Mr. Nishant, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of, in terms of the signed order.
3. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Order is placed on the file)

